



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Fish and Game

DIVISION OF HABITAT
Central Region Office

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SPECIAL AREA GENERAL PERMIT FH 17-II-GP15-SA

ISSUED: November 28, 2017
EXPIRES: March 31, 2019

General Public:

Re: Off-road Vehicle Use – Trading Bay State Game Refuge
Vehicles Less Than 1,000 Pounds Dry Vehicle Weight

Pursuant to 5 AAC 95, and AS 16.05.871(b), the Alaska Department of Fish and Game (ADF&G), Division of Habitat, has determined that both the public interest and the proper protection of fish and wildlife would be served through the issuance of a General Permit authorizing the cross country travel of certain off-road motorized vehicles and use of those motorized vehicles on frozen rivers, lakes, and streams within the Trading Bay State Game Refuge (TBSGR). This General Permit is limited to wheeled, tracked, and ground-effect motorized vehicles less than 1,000 pounds dry vehicle weight. The dry weight of a vehicle is the weight of the vehicle without passengers and cargo, as specified by the manufacturer. The use of any vehicle equal to or greater than 1,000 pounds dry vehicle weight in TBSGR requires an individual Special Area Permit from ADF&G.

Various rivers, lakes, and streams within the TBSGR have been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.871(a). These rivers, lakes, and streams may also support a variety of resident fish species.

The TBSGR was established by the Alaska State Legislature in 1976 under AS 16.20.038 to protect fish and wildlife habitat and populations; waterfowl nesting, feeding, and migration; moose calving areas; spring and fall bear feeding areas; and salmon spawning and rearing habitats. The TBSGR was also established to preserve public uses of fish and wildlife and their habitat, particularly waterfowl, moose and bear hunting; viewing; photography; and general public recreation in a high quality environment. Alaska statutes and the TBSGR and Redoubt Bay Critical Habitat Area Management Plan allow for multiple land use activities within the refuge to be authorized by Special Area Permit if the activity provides for the proper protection of fish and wildlife resources. The use of off-road vehicles is not expected to adversely impact habitat values or fish and wildlife populations provided the stipulations contained herein are strictly adhered to.

In accordance with 5 AAC 95, and AS 16.05.871(d), the department hereby issues a General Permit for the cross country travel of certain off-road motorized vehicles including the access to, crossings of, or egress from any frozen specified anadromous river, lake, or stream within the TBSGR boundary subject to the activity description above and the following stipulations:

1. This permit must be on your possession during off-road vehicle use in TBSGR.
2. The use of off-road vehicles within the boundaries of the TBSGR between **April 1 and November 15 is prohibited**, except on two existing trails on the McArthur River floodplain as detailed in ADF&G Special Area General Permit FH 17-II-GP17-SA.
3. From **November 16 through March 31**, the use of off-road vehicles weighing less than 1,000 pounds dry vehicle weight is **authorized** provided there is a minimum of 12 inches of snow cover **and** sufficient ground frost to prevent penetration of, or disturbance to, the soil surface or plant roots.
4. The ice cover of water bodies shall be of sufficient thickness to support the weight-bearing load of the authorized vehicle(s).
5. There shall be no vehicles or equipment operated in the open waters of any specified river, lake, or stream.
6. The use of snow or ice bridges, access ramps, or cribbing to cross any specified river, lake, or stream is prohibited unless approved, in writing, by the ADF&G, Division of Habitat.
7. Access to or egress from frozen waters shall occur only at locations with gently or gradually sloping banks. There shall be no access to or egress from frozen waters at locations with sheer or cut banks.
8. The bed or banks of any specified river, lake, or stream shall not be altered or disturbed in any way to facilitate access to, use of, or egress from their frozen surfaces.
9. No fuel shall be stored, nor vehicles fueled or serviced while located on the frozen surface or below the ordinary high water line of any specified river, lake, or stream.

Note: Within RBCHA, pilots are requested to avoid flights below 1500' AGL (helicopter) and 1000' AGL (fixed-wing) from Apr 1 to May 31 and Aug 15 to Oct 31 within 1 mile of a line delineated by the coastal mudflats and vegetated marsh, due to large concentrations of migratory birds (<https://skyvector.com/>).

The vehicle owner and the operator, or the legal guardian of minor dependents (the permittee), is responsible for the actions of persons who participate in the approved activity. For any activity that significantly deviates from this approval, the permittee shall notify the Division of Habitat and obtain written approval in the form of an individual Special Area Permit before beginning the activity. Any action taken that increases the scope of the activity or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this General Permit will be deemed a significant deviation from the approved activity. The final determination as to the significance of any deviation and the need for an individual permit is the responsibility of the Division of Habitat. Therefore, it is recommended that the Division of Habitat be consulted immediately when a deviation from the approved activity is being considered.

This letter constitutes a General Permit issued under the authority of 5 AAC 95.770 and AS 16.05.871. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies may also have jurisdiction under their respective authorities. This approval does not relieve you of the responsibility for securing and complying with other permits: state, federal, or local.

In addition to the penalties provided by law, this General Permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use that the commissioner determines may be expected to result from, or which actually results from, the permittee's activity, or which was a direct result of the permittee's failure to: 1) comply with a permit condition or a provision of 5 AAC 95; or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

The permittee shall indemnify, save harmless, and defend the department, its agents and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect, if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330 - 44.62.630.

Any questions or concerns about this permit may be directed to Habitat Biologist Josh Brekken at 267-2113 or emailed to josh.brekken@alaska.gov.

Sincerely,

Sam Cotten, Commissioner



By: Ron Benkert
Regional Supervisor
Central Region Office

enc: Trading Bay State Game Refuge Map

ecc:	A. Ott, ADF&G	T. Peltier, ADF&G	E. Weiss, ADF&G
	S. Wilber, ADF&G	S. Ivey, ADF&G	D. Hill, ADF&G
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